



State of New Jersey

Department of Environmental Protection

Jon S. Corzine
Governor

Lisa P. Jackson
Commissioner

Bureau of Case Management
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Grisell Diaz-Cotto
USEPA Region 2
290 Broadway - 22nd Flr
New York, NY 10007-1866

September 20, 2007

Approval for Permit-by-Rule

Re: Request for Permit-by-Rule – Dewatering
Diamond Head Oil Refinery Division
1401 Harrison Tpk
Kearny, NJ 07032
SRP PI# G000003964
EA ID#: NJD092226000

Dear Mrs. Diaz-Cotto:

The New Jersey Department of Environmental Protection (Department) has completed review of the New Jersey Pollutant Discharge Elimination System/Discharge to Groundwater (NJPDES/DGW) Permit-by-Rule Request, dated September 17, 2007, submitted pursuant to CERCLA, and the Technical Requirements for Site Remediation, N.J.A.C. 7:26E.

EPA has proposed to conduct a study to assess the effectiveness of air sparge/bio sparge at the Diamond Head Oil Refinery. The pilot study/test requires the construction of a trench in which a perforated pipe will be installed. Air will be injected into the subsurface at the bottom of the trench through the perforated pipe.

The proposed area for testing is located in the area directly south of PZ-16. The final location will be selected in the field, but is not anticipated to be significantly different from the preliminary location.

Since the area of the site where the trench will be installed has an unsaturated zone that is extremely limited and in some areas does not exist; the water table is at the ground surface. The construction of the trench will proceed initially without dewatering of the excavation. If the sidewalls are found to be unstable due to the saturated conditions, EPA will need to dewater in order to complete construction. Dewatering may not be needed during the entire excavation process.

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The amount of water to be discharge cannot be accurately estimated since it will depend on field conditions and construction progress. If dewatering is needed, the minimum quantity will likely be at least the volume of the excavated trench (30 by 10 by 3 feet or approximately 900 cubic feet or 6,700 gallons). Dewatering will proceed at the slowest rate possible to compensate for groundwater infiltration and the water will be discharged over a dissipating device such as a large plywood and hay bails to prevent erosion.

This NJPDES/DGW permit-by-rule discharge approval is hereby issued under the authority of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and the implementing regulations, N.J.A.C. 7:14A-1 et seq. Pursuant to N.J.A.C. 7:14A-22.4(b)5, a Treatment Works Approval is not required for discharges to ground water authorized pursuant to N.J.A.C. 7:14A-7.5(b) and contained in this letter. Be advised that the time period for the discharge begins on the day the discharge first occurs, not on the date the discharge approval letter is issued or received.

Consistent with N.J.A.C. 7:14A-7.5(b)3vi the approved discharge to ground water is:

1. Related to dewatering at a contaminated site and is not to exceed **180 calendar days**.
2. EPA is required to submit a report to the Department that details all aspects of the pilot study/test.
3. EPA shall obtain all necessary permits and approvals prior to discharging under the Permit-by-Rule.

Thank you for your cooperation in this matter. If you have any questions, call me at (609) 777-1398.

Sincerely,



Atwood F. Davis, Case Manager
Bureau of Case Management

CC: Ron Poustchi, NJDEP BEERA
David Kaplan, NJDEP BGWPA